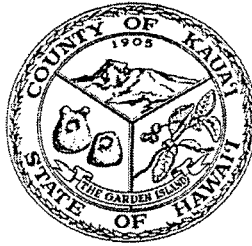


**COUNTY COUNCIL**

Mel Rapozo, Chair  
Ross Kagawa, Vice Chair  
Mason K. Chock  
Gary L. Hooser  
Arryl Kaneshiro  
KipuKai Kualii  
JoAnn A. Yukimura



**OFFICE OF THE COUNTY CLERK**

Ricky Watanabe, County Clerk  
Jade K. Fountain-Tanigawa, Deputy County Clerk

Telephone (808) 241-4188  
Fax (808) 241-6349  
Email cokcouncil@kauai.gov

**Council Services Division**  
4396 Rice Street, Suite 209  
Lihue, Kauai, Hawaii 96766

**MEMORANDUM**

December 18, 2014

TO: Bernard P. Carvalho, Jr., Mayor  
FROM: Mel Rapozo, Council Chair  
RE: **DECEMBER 17, 2014 COUNCIL MEETING RECAP**

This is to inform you of the action taken by the Council at its December 17, 2014 Council Meeting:

**MAYORAL VETO:**

Bill No. 2546, Draft 3 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (*Agronomics / Agricultural Use Definition / Reporting*) (*Mayoral Veto Sustained; Pursuant to Section 4.03 of the Charter of the County of Kauai, the said Bill is declared void.*)

**CONSENT CALENDAR:**

C 2015-06 Communication (10/21/2014) from the County Engineer and the Environmental Services Management Engineer, transmitting for Council consideration, proposed amendments to Ordinance No. B-2014-781, as amended, relating to the Operating Budget of the County of Kauai, for the Fiscal Year 2014-2015, by establishing a budget line item for "Consultant Services," that includes the following:

1. Consultant Services for Landfill Wildlife Hazard Assessment – \$25,000;
2. Consultant Services for Landfill Wildlife Hazard Mitigation Plan – \$50,000; and
3. Design Electrical Upgrades to Hanalei and Kapa'a Refuse Transfer Station – \$20,000.  
(*Department of Public Works – Solid Waste Disposal, Consultant Services – \$95,000*)

**(Received for the Record.)**

C 2015-07 Communication (11/12/2014) from the Director of Finance, transmitting for Council consideration, proposed amendments to Ordinance No. B-2014-782, as amended, relating to the Capital Budget of the County of Kaua'i, for the Fiscal Year 2014-2015, to create a mechanism to accept funds for the Kōloa/Po'ipū intersection improvements. (*Kōloa/Po'ipū Intersection Improvements – \$80,750*) **(Received for the Record.)**

C 2015-08 Communication (11/13/2014) from the Mayor, transmitting for Council consideration and confirmation, the following Mayoral appointees to the various Boards and Commissions for the County of Kaua'i:

1. Board of Review

- Donald G. Kolenda – Term ending 12/31/2017
- Julie A. Caspillo – Term ending 12/31/2017

2. Charter Review Commission

- Allan H. Parachini – Term ending 12/31/2017

3. Liquor Control Commission

- Gerald S. Matsunaga – Term ending 12/31/2017  
**(Received for the Record.)**

C 2015-09 Communication (11/21/2014) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Louis E. Abrams to the Planning Commission for the County of Kaua'i (*Business*) – Term ending 12/31/2015. **(Received for the Record.)**

C 2015-12 Communication (12/08/2014) from Council Chair Rapozo, transmitting for Council consideration, a Resolution requesting the Legislature of the State of Hawai'i to amend Chapter 92 of the Hawai'i Revised Statutes, to allow members of a County Council to jointly attend community meetings. **(Received for the Record.)**

C 2015-13 Communication (12/08/2014) from Councilmember Kaneshiro, providing written disclosure of a possible conflict of interest and recusal, relating to Bill No. 2546, Draft 3, Relating To Real Property Taxes (*Agronomics / Agricultural Use Definition / Reporting*). **(Received for the Record.)**

C 2015-14 Communication (12/09/2014) from Council Chair Rapozo, transmitting for Council consideration and confirmation, the reappointment of Stephen W. Long to the Kaua'i Historic Preservation Review Commission (Architecture) for the County of Kaua'i – Term ending 12/31/2017. **(Received for the Record.)**

C 2015-15 Communication (12/10/2014) from Council Chair Rapozo, transmitting for Council consideration and confirmation, the reappointment of Ivory K. McClintock to the Public Access, Open Space, and Natural Resources Preservation Fund Commission (At-Large) for the County of Kaua'i – Term ending 12/31/2017. **(Received for the Record.)**

COMMUNICATIONS:

C 2015-10 Communication (12/02/2014) from the Director of Economic Development, transmitting for Council consideration, a proposed draft Bill to amend Chapter 17, Kaua'i County Code 1987, as amended, relating to public charging of electric vehicles at County owned charging stations. ***(Received for the Record.)***

C 2015-11 Communication (12/04/2014) from Council Vice Chair Kagawa, transmitting for Council consideration, a proposed draft Bill to amend Section 21-9.1 of the Kaua'i County Code 1987, as amended, relating to Integrated Solid Waste Management, to amend the variable rates for the collection of residential refuse. ***(Received for the Record.)***

C 2015-16 Communication (09/29/2014) from then Council Chair Furfaro, requesting the presence of the Kaua'i District Branch Manager and the Kaua'i District Forestry Manager of the State of Hawai'i Department of Land and Natural Resources, to provide the Council with a briefing on the Koke'e Restoration and Reforestation Project, scheduled to begin in February 2015. ***(Received for the Record.)***

C 2015-17 Communication (11/06/2014) from the Civil Defense Manager, requesting Council approval, to accept the donation of eight (8) Federal Emergency Management Agency (FEMA) trailers: three (3) Home Recovery Kits (HRK) and five (5) Pre-Positioned Disaster Supplies (PPDS), from the State Civil Defense/Hawai'i Emergency Management Agency, valued at approximately \$215,430, to be used by the Kaua'i Civil Defense Agency for disaster response at the following locations:

- Barking Sands: one (1) HRK and two (2) PPDS;
- Lihu'e: one (1) HRK, and two (2) PPDS; and
- Kapa'a: one (1) HRK and one (1) PPDS.

***(Approved with thank-you letter to follow.)***

C 2015-18 Communication (11/06/2014) from the Civil Defense Manager, requesting Council approval, to accept the donation of two (2) six (6) feet by ten (10) feet enclosed cargo trailers from the State of Hawai'i, Department of Defense, valued at \$14,412.14 each for a total of \$28,824.28, for use by the Community Emergency Response Team (CERT) program and coordinators. ***(Approved with thank-you letter to follow.)***

C 2015-19 Communication (11/07/2014) from the Assistant Chief Procurement Officer/Budget Chief, requesting Council approval to dispose of Work Folders; Closed Contracts; Professional Services; Emergency, Sole Source, & Exempt Files; Various Logs (Contract Assignment Record, Telephone Bids, & Mail); Equipment Reports; Trust Accounts; Protest Logs & Files; Office Account Files; and Copy Machine Files; pursuant to Section 46-43, Hawai'i Revised Statutes and Resolution No. 49-86 (1986) as amended, for the following reasons:

1. Kept for over seven (7) years and are no longer of use or value.
2. Kept for over two (2) years and original verified to be on file with electronic/duplicate records. ***(Approved with the condition that no records relating to real property taxes or permits/actions pertaining to Ordinance No. 808 shall be disposed.)***

C 2015-20 Communication (11/18/2014) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds for the Domestic Violence Prosecution Unit in the amount of \$47,695, and approval to indemnify the State of Hawai'i, Department of the Attorney General, to be utilized to continue the program for the term commencing March 1, 2015 to January 15, 2016 for salaries/wages and supplies for the Domestic Violence Prosecution Unit. *(Approved.)*

C 2015-21 Communication (11/21/2014) from the Director of the Office of Economic Development, requesting Council approval to accept a donation from the Hawai'i Natural Energy Institute (HNEI) for building energy monitoring at 3990 Ka'ana Street, valued at \$150,000, to include identification and analysis of energy conservation measures, building energy modeling, and schematic bid packages for lighting and mechanical improvements for the facility. *(Approved with thank-you letter to follow.)*

C 2015-22 Communication (11/21/2014) from the Vice Chair of the Salary Commission, transmitting for Council consideration, Salary Commission's Resolution No. 2014-1, Relating to the Salaries of Certain Officers and Employees of the County of Kaua'i for the Fiscal Year 2014-2016, which was adopted by the Salary Commission at its November 10, 2014 meeting.

- Salary Commission Resolution No. 2014-1  
*(Deferred to the January 7, 2015 Special Council Meeting.)*

C 2015-23 Communication (12/02/2014) from the Housing Director, requesting Council approval for the following:

1. Acquisition of a residential unit at 165 Ulaula Road, 'Ele'ele, Kaua'i, Hawai'i, TMK: (4) 2-1-006-005, for a purchase price of not more than \$341,000 under the County's Community Development Block Grant (CDBG) Program based on the fee simple market appraisal;
2. Resale of 165 Ulaula Road, 'Ele'ele, Kaua'i, Hawai'i, by leasehold for not more than the leasehold market appraisal, which will be obtained through this transaction; and
3. Authorize the County Clerk to sign legal documents related to these transactions. *(Approved.)*

C 2015-24 Communication (12/10/2014) from Councilmember Yukimura, requesting Council consideration, for the public release of the following County Attorney opinions relating to Bill No. 2546, Draft 3:

1. County Attorney Opinion dated August 1, 2014  
(Tracking No. 14-1504)
2. County Attorney Opinion dated September 4, 2014  
(Tracking No. 14-1883)
3. County Attorney Opinion dated October 10, 2014  
(Tracking No. 14-2012)

*(Approved.)*

LEGAL DOCUMENT:

C 2015-25 Communication (12/02/2014) from the Housing Director, recommending for Council approval, the conveyance by Alexander & Baldwin, LLC., of the 11.204 acre parcel situated alongside Po'ipū Road to the County of Kaua'i for the development of workforce housing which fulfills the final housing condition for Kukui'ula Development Company (Hawai'i), LLC as required by Ordinance No. PM-2004-370, as amended.

- Dedication Deed concerning Tax Map Key (TMK) No. (4) 2-6-004:019  
***(Received for the Record.)***

CLAIM:

C 2015-26 Communication (12/03/2014) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Jeffrey S. Kay, for damages to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.  
***(Referred to the County Attorney's Office for disposition and/or report back to the Council.)***

COMMITTEE REPORTS: **APPROVED.**

RESOLUTIONS:

Resolution No. 2014-46 – RESOLUTION REQUESTING THE LEGISLATURE OF THE STATE OF HAWAII TO AMEND HAWAII REVISED STATUTES CHAPTER 46 TO GIVE THE COUNTIES THE AUTHORITY TO ENACT A GENERAL EXCISE TAX SURCHARGE TO FUND PUBLIC TRANSPORTATION ***(Motion to Approve failed.)***

Resolution No. 2015-04 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF REVIEW *(Donald G. Kolenda)* ***(Approved.)***

Resolution No. 2015-05 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF REVIEW *(Julie A. Caspillo)* ***(Approved.)***

Resolution No. 2015-06 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CHARTER REVIEW COMMISSION *(Allan H. Parachini)* ***(Approved.)***

Resolution No. 2015-07 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE LIQUOR CONTROL COMMISSION *(Gerald S. Matsunaga)* ***(Approved.)***

Resolution No. 2015-08 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE PLANNING COMMISSION *(Louis E. Abrams – Business)* ***(Approved.)***

Resolution No. 2015-09 – RESOLUTION REQUESTING THE LEGISLATURE OF THE STATE OF HAWAII TO AMEND CHAPTER 92, HAWAII REVISED STATUTES, TO ALLOW MEMBERS OF A COUNTY COUNCIL TO JOINTLY ATTEND COMMUNITY MEETINGS ***(Approved.)***

Resolution No. 2015-10 – RESOLUTION CONFIRMING COUNCIL REAPPOINTMENT TO THE KAUAI HISTORIC PRESERVATION REVIEW COMMISSION (*Stephen W. Long – Architecture*) (**Approved.**)

Resolution No. 2015-11 – RESOLUTION CONFIRMING COUNCIL REAPPOINTMENT TO THE PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION FUND COMMISSION (*Ivory K. McClintock – At-Large*) (**Received for the Record.**)

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2566) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2014-781, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2014 THROUGH JUNE 30, 2015, BY REVISING THE AMOUNTS ESTIMATED IN THE SOLID WASTE FUND (*Department of Public Works – Solid Waste Disposal, Consultant Services – \$95,000*) (**Approved on 1<sup>st</sup> reading, Public Hearing scheduled for January 14, 2015, and referred to the Budget & Finance Committee.**)

Proposed Draft Bill (No. 2567) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2014-782, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2014 THROUGH JUNE 30, 2015, BY REVISING THE AMOUNTS ESTIMATED IN THE DEVELOPMENT FUND (*Kōloa/Poʻipū Intersection Improvements – \$80,750*) (**Approved on 1<sup>st</sup> reading, Public Hearing scheduled for January 14, 2015, and referred to the Budget & Finance Committee.**)

Proposed Draft Bill (No. 2568) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 21, SECTION 21-9.1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO INTEGRATED SOLID WASTE MANAGEMENT (**Approved on 1<sup>st</sup> reading, Public Hearing scheduled for January 14, 2015, and referred to the Public Works / Parks & Recreation Committee.**)

Proposed Draft Bill (No. 2569) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 17, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ELECTRIC VEHICLE CHARGING STATIONS (**Approved on 1<sup>st</sup> reading, Public Hearing scheduled for January 14, 2015, and referred to the Economic Development & Intergovernmental Relations Committee.**)

BILLS FOR SECOND READING:

Bill No. 2545, Draft 1 – A BILL FOR AN ORDINANCE AMENDING SUBSECTIONS 8-15.1(B) AND 8-15.1(D), KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ADDITIONAL DWELLING UNIT ON OTHER THAN RESIDENTIALLY ZONED LOTS (**Approved as Amended to Bill No. 2545, Draft 2.**)

Bill No. 2565 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2014-781, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2014 THROUGH JUNE 30, 2015, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (**Deferred.**)

Thank you for following up as appropriate, including confidential routing to any appropriate parties, and please do not hesitate to contact me or Council Services Staff if you need further information. Please note that this memo presents a summary of the action taken, and reference should be made to the official minutes for a complete record.

cc: KCT Department Heads (*Via E-mail*)  
KCT CCs (*Via E-mail*)  
Council Services Staff (*Via E-mail*)